



United States Attorney
Southern District of New York

United States District Courthouse
300 Quarropas Street
White Plains, New York 10601

July 8, 2020

BY CM/ECF and ELECTRONIC MAIL

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *United States v. Lavon Barrett,*
09 Cr. 765 (RMB)**

Dear Judge Berman:

The Government writes respectfully to request that the status conference in this case originally scheduled for July 16, 2020, be adjourned to September 29, 2020, at 9:00 a.m. in order to allow the defendant to be sentenced in the Eastern District of New York and produced for an expected admission and sentencing on his violation of the terms of his supervised release.

On January 10, 2011, this Court sentenced Lavon Barrett to 120 months' imprisonment, to be followed by a five-year term of supervised release, for his participation in a conspiracy to distribute and possess with intent to distribute crack cocaine.

On March 17, 2017, Barrett was released from custody and began his term of supervised release.

On April 11, 2018, a grand jury in the Eastern District of New York returned an indictment charging Lavon Barrett, among others, with participating in a conspiracy, from November 2017 through April 2018, to distribute and possess with intent to distribute crack cocaine. *See United States v. Lavon Barrett*, 18 Cr. 185 (FB) (E.D.N.Y.). Barrett was arrested on April 17, 2018, arraigned, and ordered detained.

On June 4, 2018, the United States Probation Office submitted a request for a warrant to this Court, alleging that Barrett violated the terms of his supervised release by participating in a conspiracy to distribute narcotics, which request this Court granted. On June 14, 2018, Barrett appeared before this Court and entered a denial of the specification.

Hon. Richard M. Berman
July 8, 2020
Page 2 of 2

On May 30, 2019, Barrett pleaded guilty in the Eastern District of New York, obviating the need for his trial. He has not yet been sentenced in that case.

This Court scheduled a conference in this matter, which was adjourned to July 16, 2020.

The parties expect that Barrett will admit to violating the terms of his supervised release before this Court—he has already admitted to the violative conduct in his case in the Eastern District of New York—and ask to be sentenced by this Court. Barrett would prefer to do so after he is sentenced in the Eastern District of New York, which sentencing may inform this Court’s sentence of him. The Government has no objection to that timeline. Moreover, Barrett must be personally present at his plea in this matter. Fed. R. Crim. P. 43(a)(1). In light of the recent COVID-19 crisis, this Court has converted conferences to telephonic conferences, which would not allow Barrett to admit to the specifications. While there is a narrow exception: Barrett could admit to the specifications and be sentenced via videoconference or teleconference as long as both (1) he consents to the procedure; and (2) this Court finds “specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.” CARES Act § 15002(b)(2)(A)&(4)—we do not believe that that exception currently applies.

For these reasons, the Government respectfully requests that this Court adjourn the upcoming conference. I have spoken with defense counsel, who agrees with the Government’s request.

I have spoken with Chambers, defense counsel, and the Probation Officer, and understand that the Court, defense counsel, and the Probation Officer are all available on September 29, 2020, at 9:00 a.m. Accordingly, I respectfully request that the conference be adjourned to September 29, 2020, at 9:00 a.m.

Please feel free to contact me with any questions or issues.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By:


Michael D. Maimin
Assistant United States Attorney
(914) 993-1952

Application granted.

SO ORDERED:

Date: 7/9/2020


Richard M. Berman, U.S.D.J.